IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

Bail Appl..No. 7634 of 2006()

CMP.8550/2006 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.270/06 OF CHADAYAMANGALAM POLICE STATION.

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: PETITIONER/ACCUSED

ANILKUMAR @ KANNAN,
AGED 30 YEARS, S/O.SUKUMARA PILLAI,
KALLOORKONATHU VEEDU,
POREDOM, CHADAYAMANGALAM.

BY ADV. SRI.P.K.REJITH KUMAR
SRI.A.C.DEVY

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7634 OF 2006

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DATED THIS THE 2ND DAY OF JANUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.270/06 of Chadayamangalam Police Station for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in joint possession of 2065 litres of spirit on 15.8.2006 and who was arrested on 3.11.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in another case, he fairly conceded that no final report has been filed in this case in spite of 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Kottarakkara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn